

AMENDED IN SENATE APRIL 25, 2000

SENATE BILL

No. 1551

Introduced by Senator Dunn
(Coauthor: Senator Hughes)

February 17, 2000

An act to amend Section 1418.4 of the Health and Safety Code, relating to long-term care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1551, as amended, Dunn. Long-term care facilities: family councils.

Existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, prohibits a licensed skilled nursing facility or intermediate care facility from prohibiting the formation of a family council, as defined, and requires that the family council shall be allowed to meet in the facility during mutually agreed upon hours, upon the request of a member of *a* facility resident's family or the representative's responsible party.

This bill would revise the above provisions relating to family councils, including requiring that a family council be allowed to meet at least once a month in the facility, and replacing references to a resident's "responsible party" or "agent" with the term "representative." The bill would also impose specified requirements on the facility with respect to responding to requests resulting from family council meetings, and notification of meetings. This bill would require the State Department of Health Services to impose a civil penalty of not more than \$1,000 upon any person who violates

the bill's provisions relating to family councils, and would provide that each day a violation continues constitutes a separate violation.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1418.4 of the Health and Safety
2 Code is amended to read:
3 1418.4. (a) No licensed skilled nursing facility or
4 intermediate care facility may prohibit the formation of
5 a family council, and, when requested by a member of the
6 resident's family or the resident's representative, the
7 family council shall be allowed to meet in a common
8 meeting room of the facility at least once a month during
9 mutually agreed upon hours.
10 (b) Facility policies on family councils shall in no way
11 limit the right of residents, family members, and family
12 council members to meet independently with outside
13 persons, including members of nonprofit or government
14 organizations or with facility personnel during
15 nonworking hours.
16 (c) "Family council" for the purpose of this section
17 means a meeting of family members, friends, or
18 representatives of two or more residents to confer in
19 private without facility staff.
20 (d) Family councils shall also be provided adequate
21 space on a prominent bulletin board or other posting area
22 for the display of meeting notices, minutes, newsletters,
23 or other information pertaining to the operation or
24 interest of the family council.
25 (e) Staff or visitors may attend family council
26 meetings, at the group's invitation.
27 (f) The facility shall provide a designated staff person
28 who shall be responsible for providing assistance and
29 responding to written requests that result from family
30 council meetings.
31 (g) The facility shall consider the views and act upon
32 the grievances and recommendations of a family council

1 concerning proposed policy and operational decisions
2 affecting resident care and life in the facility.

3 (h) The facility shall respond in writing to written
4 requests or concerns of the family council, within 10
5 working days.

6 (i) When a family council exists, the facility shall
7 include notice of the family council meetings in ~~the~~
8 ~~monthly billings~~ *at least a quarterly mailing*, and shall
9 inform family members, ~~friends, and~~ or representatives
10 of new residents *who are identified on the admissions*
11 *agreement, during the admissions process, or in the*
12 *resident's records*, of the existence of a family council, and
13 the time, place, and date of meetings, *and the person to*
14 *contact regarding involvement in the family council.*

15 (j) No facility shall willfully interfere with the
16 formation, maintenance, or promotion of a family
17 council. For the purposes of this subdivision, willful
18 interference shall include, but not be limited to,
19 discrimination or retaliation in any way against an
20 individual as a result of his or her participation in a family
21 council, or the willful scheduling of facility events in
22 conflict with a previously scheduled family council
23 meeting.

24 (k) (1) Violation of the provisions of this section shall
25 constitute a violation of residents' rights.

26 (2) The State Department of Health Services shall
27 impose a civil penalty of not more than one thousand
28 dollars (\$1,000), payable to the department, upon any
29 person who violates the provisions of this section. Each
30 day a violation continues shall constitute a separate
31 violation.